IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 19545 of 2006(B)

PETITIONER:

BIJU TOM, MOOTHASSERIL HOUSE,
PULIYANNOOR P.O., PALA.

BY ADV. SRI.K.B.GANGESH
SRI.ANIL GEORGE

RESPONDENTS:

THE KAROOR GRAMA PANCHAYAT,
REP. BY ITS SECRETARY, MEENACHIL TALUK,
KOTTAYAM DISTRICT.

2. THE EXECUTIVE ENGINEER (BUILDINGS),
KOTTAYAM DISTRICT.

3. THE GEOLOGIST,
KOTTAYAM DISTRICT.

(R2 AND R3 ARE IMPLEADED AS PER ORDER IN W.P.(C))

BY ADV. SRI.SUNIL CYRIAC, SC,KAROOR G.PANCHAYAT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 19545 of 2006

Dated this 4th day of December, 2006

JUDGMENT

The Executive Engineer (Buildings),Kottayam and the Geologist, Kottayam District are impleaded as additional respondents 2 and 3 in this writ petition. The Registry will carry out necessary corrections in the cause title.

2. Having regard to the arguments addressed before me by Sri.K.B.Gangesh, the learned counsel for the petitioner and Sri.Sunil Cyriac, the learned Standing Counsel for the respondent Panchayat, I am of the view that this writ petition can be disposed of with the following directions:-

3. The Additional respondents will conduct a technical study of the impact which the blasting operations conducted by the writ petitioner in his quarry will have on the reservoir constructed by the first respondent Panchayat (the reservoir shown in Ext.P12) and furnish report before the first respondent at their earliest and at any rate within one month of the additional respondents receiving a copy of this judgment. The

additional 1st respondent (Executive Engineer) will also report regarding the estimated cost for constructing a reservoir which exactly identical to Ext.P12. The Panchayat, on receiving a reports, will consider Ext.P14 application for licence, hear the petitioner and take a decision. Even if the reports support the stand of the Panchayat that blasting in petitioner's quarry will endanger Ext.P12 reservoir, then also if the petitioner is prepared to furnish Bank guarantee to the Panchayat for the estimated cost of Ext.P12 reservoir, the Panchayat will consider granting of licence to the petitioner and at any rate Panchayat will take a decision on Ext.P14 within one month of receiving reports from the additional respondents. All further proceedings pursuant to Ext.P16 will be closed by the Panchayat in view of the directions as above.

It is needless to mention that the additional respondents will conduct inspections for assessing the impact of the blasting on the reservoir with notice to the petitioner and also to the first respondent Panchayat. It is also clarified that the entire cost for assessment of the impact of the blasting on the reservoir will be borne by the petitioner who will be liable to deposit amounts in

advance upon directions by the additional respondents.

PIUS C.KURIAKOSE
Judge

dpk